

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE  
MIDDLE DISTRICT OF ALABAMA, NORTHERN DIVISION

UNITED STATES OF AMERICA	)	
	)	
v.	)	CRIMINAL ACTION NO.
	)	2:09cr183-MHT
WILLIAM WALTER OHORO	)	(WO)

OPINION AND ORDER

This cause is before the court on defendant William Walter Ohoro's motion to continue. For the reasons set forth below, the court finds that jury selection and trial, now set for February 8, 2010, should be continued.

While the granting of a continuance is left to the sound discretion of the trial judge, United States v. Stitzer, 785 F.2d 1506, 1516 (11th Cir. 1986), the court is limited by the requirements of the Speedy Trial Act, 18 U.S.C. § 3161. The Act provides in part:

"In any case in which a plea of not guilty is entered, the trial of a defendant charged in an information or indictment with the commission of an

offense shall commence within seventy days from the filing date (and making public) of the information or indictment, or from the date the defendant has appeared before a judicial officer of the court in which such charge is pending, whichever date last occurs."

§ 3161(c)(1). The Act excludes from the 70-day period any continuance based on "findings that the ends of justice served by taking such action outweigh the best interest of the public and the defendant in a speedy trial." § 3161(h)(7)(A). In granting such a continuance, the court may consider, among other factors, whether the failure to grant the continuance would "result in a miscarriage of justice." § 3161(h)(7)(B)(i).

The court concludes that, in this case, the ends of justice served by granting a continuance outweigh the interest of the public and Ohoro in a speedy trial. Ohoro represents that his court-appointed counsel received Ohoro's case file, and first entered a notice of appearance in the case, on December 18, 2009. On that

same date, counsel received a second installment of discovery from the government. Ohoro states that his case involves approximately 200 pages of discovery and at least 13 discs of electronic files and presents complicated factual and significant legal issues. Thus, Ohoro's counsel needs additional time to examine adequately the lengthy discovery and investigate the facts of the case.

In light of the foregoing, the court concludes that a continuance is warranted. The court's decision is buttressed by the fact that the government does not oppose the continuance.

Accordingly, it is ORDERED as follows:

(1) Defendant William Walter Ohoro's motion for continuance (Doc. No. 15) is granted.

(2) Defendant Ohoro's jury selection and trial, now set for February 8, 2010, are reset for June 7, 2010, at 10:00 a.m., in Courtroom 2FMJ of the Frank M. Johnson Jr.

United States Courthouse Complex, One Church Street,  
Montgomery, Alabama.

DONE, this the 29th day of December, 2009.

/s/ Myron H. Thompson  
UNITED STATES DISTRICT JUDGE